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Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

In re:
USA SECURITIES, LLC,

Debtor.

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

JOINTLY ADMINISTERED
Chapter 11 Cases

Judge Linda B. Riegler

**NOTICE OF WITHDRAWAL OF
MOTION TO COMPEL HOMES
FOR AMERICA HOLDINGS, INC.
("HFAH"); ONE POINT STREET,
INC.; COLT GATEWAY, LLC;
HFAH CLEAR LAKE, LLC; ST.
TROPEZ-HOMES FOR AMERICA
HOLDINGS, LLC F/K/A RIVIERA-
HFAH, LLC; ST. CHARLES
TOWNHOMES PARTNERS, LP;
BEAU RIVAGE HOMES FOR
AMERICA, LLC; ST. CHARLES
HOMES FOR AMERICA, INC.;
RIVIERA- HOMES FOR AMERICA
HOLDINGS, LLC F/K/A ST.
RAPHEAL-HOMES FOR
AMERICA, LLC; AND
MEDITERRANEE-HFA, LLC F/K/A
HFAH-MONACO, LLC TO
COMPLY WITH SUBPOENAS FOR
PRODUCTION OF DOCUMENTS**

Hearing Date: February 21, 2008.
Hearing Time: 9:30 AM

PLEASE TAKE NOTICE that the USACM Liquidating Trust hereby withdraws its Motion to Compel Homes for America Holdings, Inc. ("HFAH"); One Point Street, Inc.; Colt Gateway, LLC; HFAH Clear Lake, LLC; St. Tropez-Homes for America Holdings, LLC f/k/a Riviera-HFAH, LLC; St. Charles Homes for America, Inc.; St. Charles Townhomes Partners, LP; Beau Rivage Homes for America, LLC; St. Charles Homes for America, Inc.; Riviera-Homes for America Holdings, LLC f/k/a St. Rapheal-Homes for America, LLC; and Mediterranean-HFA, LLC f/k/a HFAH-Monaco, LLC to Comply With Subpoenas for the Production of Documents (Docket Entry 5823) without prejudice. Counsel for the Trust has conferred with counsel for the HFA Entities and advised of the intent to withdraw the Motion to Compel. Counsel for the HFA Entities had no objection to the noticed withdrawal.

Respectfully submitted February 20, 2008

DIAMOND MCCARTHY LLP

LEWIS AND ROCA LLP

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*Special Litigation Counsel for
 USACM Liquidating Trust*

Counsel for USACM Liquidating Trust

CERTIFICATE OF SERVICE

I hereby certify that I am employee of the law firm of DIAMOND MCCARTHY LLP, and that on the 20th day of February 2008, a true and correct copy of the NOTICE OF WITHDRAWAL OF MOTION TO COMPEL HOMES FOR AMERICA HOLDINGS, INC. (“HFAH”); ONE POINT STREET, INC.; COLT GATEWAY, LLC; HFAH CLEAR LAKE, LLC; ST. TROPEZ-HOMES FOR AMERICA HOLDINGS, LLC F/K/A RIVIERA-HFAH, LLC; ST. CHARLES TOWNHOMES PARTNERS, LP; BEAU RIVAGE HOMES FOR AMERICA, LLC; ST. CHARLES HOMES FOR AMERICA, INC.; RIVIERA- HOMES FOR AMERICA HOLDINGS, LLC F/K/A ST. RAPHEAL-HOMES FOR AMERICA, LLC; AND MEDITERRANEE-HFA, LLC F/K/A HFAH-MONACO, LLC TO COMPLY WITH SUBPOENAS FOR PRODUCTION OF DOCUMENTS was served by electronic delivery to Marc N. Parry and Victoria L. Nelson, counsel for HFAH and the HFA entities at mparry@mosessinger.com and ynelson@nevadafirm.com.

/s/ Catherine A. Burrow
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